

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

UNITED STATES OF AMERICA

v.

RICHARD KAZMAIER

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CASE NO. 2:22-cr-00005-Z-BR (1)

**JOINT MOTION FOR CONTINUANCE AND TO DECLARE LITIGATION COMPLEX
PURSUANT TO 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(ii)**

TO THE HONORABLE JUDGE KACSMARYK:

The United States of America (the “Government”) and Defendant file this Motion for Continuance of the current trial setting of March 28, 2022, and pre-trial deadlines (Doc 17), requesting a continuance of at least 120 days¹ and a definite setting on the Court’s trial docket. In support thereof, the parties would show the Court the following:

1. On January 27, 2022, the Government filed an Indictment against Defendant with three counts, including: (1) Smuggling goods into the United States (Violation of 18 U.S.C. §§ 545 and 2); and (2) and (3) Violations of the Endangered Species Act (Violation of 16 U.S.C. §§ 1538 and 1540). The nature of the case involves allegations that Defendant illegally smuggled wildlife parts from deceased endangered species into the United States without properly declaring the imports or receiving the necessary permits.

2. The Government and Defendant have cooperated with regard to the production of discovery. Defendant received a copy of the digital discovery on February 22, 2022. The Government and Defendant’s counsel also conferenced regarding discovery and pending deadlines via phone on February 24, 2022.

¹ The amount of time requested is calculated to avoid conflicts with Federal jury trial settings currently anticipated by counsel.

3. The wildlife parts at issue are currently being held in a Federal facility in the Dallas area. Defendant requests the continuance so as to locate and retain a qualified zoology and craniology expert to evaluate the animal parts for purposes of identification under the Endangered Species Act and relevant statutes and to accompany Defendant's counsel for an inspection and review of the evidence. Defendant also requests the continuance to fully review the voluminous discovery produced by the Government which dates over a decade.

4. The United States and Defendant believe and represent to the Court that the ends of justice served by continuing this case from its present trial setting of March 28, 2022, outweigh the best interests of the public and the Defendant in a speedy trial. The parties request a definite setting at least 120 days from the current trial setting.

5. The Parties and their counsel disclose the following dates of conflict: April 7 – 16, 2022; April 18 – 19, 2022; May 16-21, 2022; June 1 – 16, 2022; July 11 – 24, 2022.

The United States and Defendant pray that this Court enter an Order Continuing Trial in this Cause from its current setting of March 28, 2022, to a definite setting at least 120 days from the current trial date, and that the Court set forth, in the record of the case, pursuant to its order in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the Defendant in a speedy trial.

Respectfully submitted,

/s/ Benjamin Doyle
BENJAMIN D. DOYLE
TX Bar No. 24080865
STOCKARD, JOHNSTON, BROWN,
NETARDUS & DOYLE, P.C.
P.O. Box 3280
Amarillo, TX 79116-3280
Telephone: 806-318-4656
Facsimile: 806-379-7799
Email: bdoyle@sjblawfirm.com

CHAD E. MEACHAM
UNITED STATES ATTORNEY
NORTHERN DISTRICT OF TEXAS

/s/ Anna Marie Bell

ANNA MARIE BELL
Assistant United States Attorney
500 South Taylor, Suite 300
Amarillo, TX 79101-2446
Telephone: 806-324-2356
Fax: 806-324-2399
E-mail: anna.bell@usdoj.gov

TODD KIM
ASSISTANT ATTORNEY GENERAL
ENVIRONMENT AND NATURAL RESOURCES

/s/ Ryan Connors

Trial Attorney
150 M Street NE, Suite 4.123
Washington, DC 20002
Telephone: 202-305-0363
Fax: 202-514-8865
E-mail: ryan.connors@usdoj.gov